

EXHIBIT 2

ACLU of Georgia

[Menu](#)

[Donate](#)

PRESS RELEASE: NATIONAL WOMEN'S LAW CENTER INTERVENES IN DEFENSE OF TRANSGENDER COLLEGE ATHLETES

MEDIA CONTACT

Crystal Mojica, NWLC, cmojica@nwlc.org (<mailto:cmojica@nwlc.org>)

Gillian Branstetter, ACLU, gbranstetter@aclu.org
(<mailto:gbranstetter@aclu.org>)

MAY 6, 2024

ATLANTA – As part of its 50-year mission defending the rights of women and girls under Title IX, the National Women's Law Center (NWLC) filed a motion in federal court today

(<https://wp.api.aclu.org/wp-content/uploads/2024/05/36.pdf>) seeking to intervene in a lawsuit demanding the National Collegiate Athletic Association (NCAA) ban transgender women from participating in women's college sports teams and using restrooms and locker rooms that correspond with their gender identity.

In *Gaines v. NCAA*, several athletes and former athletes allege the NCAA's already strict policies governing sports eligibility for trans student-athletes discriminate against cisgender women. Under political pressure, a few years ago, the NCAA hastily scaled back

(<https://nwlc.org/dear-ncaa-its-not-too-late-to-let-trans-intersex-students-play/>) its own long-term, previous policy that offered a clear path to inclusion for trans women in college who were receiving gender-affirming medical care. Yet, the plaintiffs—falsely purporting to speak

on behalf of a national class of all past, present, and future NCAA women athletes—want to force the NCAA to categorically ban women and girls who are transgender from playing sports. Represented by the American Civil Liberties Union (ACLU), ACLU of Georgia, and Cooley LLP, NWLC is asking to be officially joined as a party to the case and has filed a motion to dismiss, citing severe flaws in legal and factual statements presented in the complaint.

Women athletes from across the country have voiced support for the inclusion of trans college athletes, including the iconic Billie Jean King, Megan Rapinoe, Sue Bird, and the reigning champion NCAA Women's Basketball Coach Dawn Staley.

“As a women's rights organization that has advocated for strong Title IX enforcement since its inception, we feel called upon to defend against extremist attacks on our trans sisters—attacks that weaponize and distort the language of women's rights to justify discrimination and bigotry. Let me be clear: we firmly support the inclusion of women and girls who are transgender in all aspects of school—including sports, restrooms, and locker rooms—as a matter of both civil rights law and of human rights,” said Shiwali Patel, Director of Justice for Student Survivors and Senior Counsel at the National Women's Law Center. “We are proud to be entering this important legal battle to represent the wider women's rights movement and ensure extremists cannot turn Title IX on its head and misuse it as a weapon to enforce bullying and exclusion of students who want — and deserve — to play college sports with their peers.”

“This lawsuit is not only an attack on trans women and girls—it's an attack on all women and girls,” said Jennesa Calvo-Friedman, Staff Attorney for the ACLU's Women's Rights Project. “Policing who is, or isn't, a woman subjects all women and girls to intrusive and humiliating scrutiny. In states across the country, we've seen cis and trans girls alike subjected to invasive questioning and harassment because their hair is too short, or they perform too well, to be

Press Release: National Women's Law Center Intervenes in Defense of Transgender College Athletes | ACLU of Georgia

considered 'real girls.' Women's sports are critical because they provide freedom from pressure to comply with expectations about how women should look and behave, but this lawsuit diminishes that freedom and joy."

"We are proud to represent the NWLC in standing up against this unfair attack on transgender women and girls," said Kathleen Hartnett of Cooley LLP. "We look forward to showing the Court that Plaintiffs' challenge is unfounded and that anti-transgender discrimination has no place in college athletics or anywhere else."

"The ACLU of Georgia advocates for the right of all Georgians to be treated equitably and to freely participate in all aspects of society. Exclusionary and divisive policies on who can compete in women's sports harm all women, cisgender and transgender alike," said Nneka Ewulonu, Staff Attorney, ACLU of Georgia.

"It's no coincidence that the activists who brought this case think women should be solely defined by our ability to carry children," added Calvo-Friedman. "This case is part of a broader, extreme effort to control women's bodies and lives, but we won't let them succeed in selling women out."

If the request is approved by the federal district court in Georgia, NWLC will have full participation in all future proceedings, including any potential trial.

Alongside bans on gender-affirming healthcare and abortion bans, statewide policies that categorically ban trans athletes from participation have passed in 23 states in just the last three years. In August 2023, the 9th Circuit Court of Appeals blocked enforcement (<https://www.aclu.org/press-releases/appeals-court-blocks-idaho-ban-on-transgender-youth-athletes>) of Idaho's ban on transgender athletes and, in April 2024, the 4th Circuit Court of Appeals rejected a request (<https://www.aclu.org/press-releases/fourth-circuit-rejects-west-virginia-law-barring-transgender-girls-from-student-athletics>) to enforce West Virginia's

Press Release: National Women's Law Center Intervenes In Defense of Transgender College Athletes | ACLU of Georgia

state ban against Becky Pepper-Jackson, a 13-year-old trans girl and middle school track athlete. The Attorney General of West Virginia has announced his intent (<https://thehill.com/homenews/lgbtq/4618952-west-virginia-transgender-athlete-ban-appeal-supreme-court/>) to seek Supreme Court review of the latter ruling.